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10/033,469	12/27/2001	Yuichi Terao	2271/66514	8355

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EXAMINER

BAKER, CHARLOTTE M

ART UNIT PAPER NUMBER

2625

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/033,469	Applicant(s) TERAO, YUICHI	
	Examiner Charlotte M. Baker	Art Unit 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☐ Responsive to communication(s) filed on \_\_\_\_.

2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-29 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1,2,8-12,18,19,25 and 26 is/are rejected.

7) ☒ Claim(s) 3-7,13-17,20-24, and 27-29 is/are objected to.

8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All    b) ☐ Some \*    c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection. See below.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 11-12, and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeda et al. (5,210,826).

**Regarding claim 1:** Takeda et al. disclose communication controller (Fig. 1 and 2, communication control unit 13) configured to adjust the required network bandwidth (Fig. 3) corresponding to a transmission speed set up between the facsimile apparatus (Fig. 2) and the partner terminal unit (partner terminal, col. 3, ln. 25-37) to become equal to (original digital bandwidth) or narrower (audio bandwidth) than the allocated network bandwidth (available digital bandwidth) (col. 1, ln. 63 through ln. 4) (col. 5, ln. 8-21).

**Regarding claim 11:** The structural elements of apparatus claim 1 perform all of the steps of method claim 11. Thus, claim 11 is rejected for the same reasons discussed in the rejection of claim 1.

**Regarding claim 12:** Takeda et al. satisfy all the elements of claim 11. The structural elements of apparatus claim 2 perform all of the steps of method claim 12. Thus, claim 12 is rejected for the same reasons discussed in the rejection of claim 2.

**Regarding claim 18:** Arguments analogous to those stated in the rejection of claim 1 are applicable.

**Regarding claim 19:** Takeda et al. satisfy all the elements of claim 18. Arguments analogous to those stated in the rejection of claim 1 are applicable.

4. Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Veschi (7,002,970).

**Regarding claim 8:** Veschi discloses communication control means (Fig. 1, gatekeeper 115) that enables a communication between a communication apparatus (Fig. 1, second telephone 155) connected to the packet network (col. 4, ln. 46-48) and another communication apparatus (Fig. 1, first telephone 101) connected to a PSTN (Fig. 1 PSTN connected to first telephone 101), by demanding network bandwidth allocation (col. 10, ln. 1-15 and Figs. 15-17) to a gatekeeper unit (Fig. 1, gatekeeper 115) in the packet network (Fig. 1 and col. 4, ln. 46-48); and transmission speed/network bandwidth adjustment means (Fig. 1, gatekeeper 115) that adjusts required network bandwidth corresponding to a transmission speed set up by the communication apparatus (Fig. 1, second telephone 155) in the packet network (col. 4, ln. 46-48) and the communication apparatus (Fig. 1, first telephone 101) in the PSTN (Fig. 1 PSTN connected to first telephone 101), to become equal to or narrower than network bandwidth (bandwidth confirm, col. 10, ln. 6-10 and Fig. 17) allocated by the gatekeeper unit (Fig. 1, gatekeeper 115).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda et al. in view of Veschi (7,002,970).

**Regarding claim 2:** Takeda et al. satisfy all the elements of claim 1. Takeda et al. further disclose the communication controller (Fig. 1 and 2, communication control unit 13) adjusts the required network bandwidth (Fig. 3) by demanding network bandwidth allocation (Fig. 3, S102) with a predetermined network bandwidth (original digital bandwidth) specified when the demand for the network bandwidth allocation is issued prior to starting a communication (available digital bandwidth) (col. 3, ln. 11-24) (col. 1, ln. 63 through ln. 4) (col. 5, ln. 8-21).

Takeda et al. fail to specifically address a gatekeeper unit.

Veschi discloses the gatekeeper unit (Fig. 1, gatekeeper 115).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a gatekeeper unit in order to oversee bandwidth changes as taught by Veschi (col. 10, ln. 1-5).

7. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veschi in view of Amit et al. (6,259,538).

**Regarding claim 9:** Arguments analogous to those stated in the rejection of claim 8 are applicable.

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Veschi fails to specifically address facsimile communication.

Amit et al. disclose network facsimile communication control means (Fig. 1, network interface 29) that enables a facsimile communication (Fig. 1) with a communication apparatus (Fig. 1, receiving facsimile machines 22B) in the packet network (Fig. 1, packet network 26).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to configure the system of Veschi with the facsimile capabilities in order to provide facsimile communication.

**Regarding claim 10:** Arguments analogous to those stated in the rejection of claim 9 are applicable.

Veschi fails to specifically address facsimile communication.

Amit et al. disclose facsimile communication control means (Fig. 1, PSTN interface 27) that enables a facsimile communication (Fig. 1) with a communication apparatus (Fig. 1, receiving facsimile machines 22B) in a PSTN (Fig. 1, PSTN 30).

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda et al. in view of Amit et al.

**Regarding claim 25:** Takeda et al. disclose an adjusting part (Fig. 1, communication control unit 13) configured to adjust a required network bandwidth (col. 3, ln. 11-24 and Fig. 3), corresponding to a transmission speed set up between the apparatus (Fig. 2) and the terminal unit (partner terminal, col. 3, ln. 25-37), to become narrower (audio bandwidth) than or equal to (original digital bandwidth) an allocated network bandwidth that is allocated for a communication (available digital bandwidth) (col. 1, ln. 63 through ln. 4) (col. 5, ln. 8-21).

Takeda et al. fail to specifically address a packet network.

Amit et al. disclose a communication part (Fig. 1, originating facsimile machines 22A) configured to be communicable with an apparatus (Fig. 1, originating facsimile gateway 20A) via a public switched telephone network (PSTN) (Fig. 1, PSTN 30) and with a terminal unit (Fig. 1, receiving facsimile machines 22B) via a packet network (Fig. 1, packet network 26), so as to enable a real-time facsimile communication between the apparatus (Fig. 1, originating facsimile gateway 20A) and the terminal unit (Fig. 1, receiving facsimile machines 22B) (col. 7, ln. 12-20).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a packet network in order to provide more efficient data transmission as taught by Amit et al. (col. 1, ln. 30-34).

9. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda et al. in view of Amit et al. as applied to claim 25 above, and further in view of Veschi.

**Regarding claim 26:** Takeda et al. in view of Amit et al. satisfy all the elements of claim 25.

Takeda et al. further disclose wherein the adjusting part (Fig. 1, communication control unit 13) adjusts the required network bandwidth (col. 3, ln. 11-24 and Fig. 3)

Takeda et al. in view of Amit et al. fail to specifically address a gatekeeper unit.

Veschi disclose by requesting a network bandwidth allocation (col. 10, ln. 1-15 and Figs. 15-17) which specifies a predetermined network bandwidth prior to starting a communication (col. 10, ln. 1-15 and Figs. 15-17), with respect to a gatekeeper unit (Fig. 1, gatekeeper 115) that is coupled to the packet network (col. 4, ln. 46-48) and allocates the allocated network bandwidth (col. 10, ln. 1-15).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a gatekeeper unit in order to oversee bandwidth changes as taught by Veschi (col. 10, ln. 1-5).

*Allowable Subject Matter*

10. Claims 3-7, 13-17, 20-24, and 27-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M. Baker whose telephone number is 571-272-7459. The examiner can normally be reached on Monday-Friday 8:30-5:00.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CMB



**KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER**